

FILED

MAR 30 2006

**BEFORE THE DEPARTMENT OF INSURANCE NEBRASKA DEPARTMENT
STATE OF NEBRASKA OF INSURANCE**

IN THE MATTER OF
THE DENIAL OF APPLICATION
FOR LICENSE FOR
STEPHANIE D. HALLDORSON

)
)
)
)
)
)
)

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
RECOMMENDED ORDER,
AND ORDER

CAUSE NO. A-1656

This matter came on for hearing on the 22nd day of March, 2006, before Janette Adair, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The matter arises out of a denial of an application for a resident insurance producer license. The Department of Insurance ("Department") was represented by its attorney, Christine Neighbors. Stephanie D. Halldorson ("Applicant") did appear and was not represented by counsel. The proceedings were tape recorded by Tracy Gruhn, a licensed Notary Public. The Applicant and the Department presented evidence at the hearing and the matter was taken under advisement. The hearing officer hereby makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. The Department is the agency of the State of Nebraska charged with licensing insurance producers.
2. On or about February 17, 2006, Applicant applied for a resident insurance producer license as evidenced by Exhibit 1.

3. Applicant disclosed information on her application regarding a prior criminal conviction based upon a guilty plea to a violation of Neb. Rev. Stat. § 68-1017, a Class IV Felony. (Ex. 1).

4. On or about February 21, 2006, Applicant's application for a resident producers license was denied based upon the previous criminal history. (Ex. 1).

5. On or about February 24, 2006, Applicant requested a hearing to appeal the Department's denial for an insurance producer's license. (Ex. 2).

6. On or about March 9, 2006, a copy of a Notice of Hearing in this matter was served upon Applicant by certified mail, return receipt requested. A return receipt card from the United States Postal Service indicates a delivery date of March 13, 2006. (Ex. 3).

7. Applicant provided a letter of support from Allan S. Douglas, President – Certified Senior Advisor (CSA), Pioneer Interstate Marketing. (Ex. 4).

8. Applicant provided a letter of support from Marvin E. Taylor, Regional Sales Manager for Cargill, Inc., Seed Division (Retired), and Membership Chair and Certified Officer Trainer Kiwanis International. (Ex. 5).

9. Applicant provided a letter of support from Jason Fischer, Executive Recruiter. (Ex. 6). This letter of support is from a member of Applicant's family.

10. Applicant testified that she accepts responsibility for her actions, but believes that her conviction was set aside. Applicant produced an Order Terminating Probation dated November 3, 1994 which states, " IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED BY THE COURT, that the order entered herein on the 17th day of May, 1993 be and hereby is terminated and the defendant STEPHANIE D. HALLDORSON is hereby relieved from further obligation by and under the terms and conditions of said order, and

further that said defendant has fully complied with the conditions and terms of said order and the probation of said defendant is hereby terminated restoring the defendant's civil rights the same as though a pardon had been issued." (Ex. 1).

11. Applicant's conviction was based upon her failure to report income from a part time job while obtaining benefits administered by the Department of Social Services from September 1990 through April 1991. (Ex. 1).

12. Applicant testified that at the time of the failure to report, she reported the income from her primary full time job, but did not report additional income when she took an additional part time job because she was not certain how long she would be able to maintain both jobs.

13. Applicant successfully completed the terms of her probation, including the payment of a fine and restitution. (Ex. 1).

14. Applicant testified that she obtained a Nebraska insurance producer license in 1999, and she had no complaints filed against her during the time she held that license. Applicant allowed this license to lapse.

15. Applicant testified that in the years subsequent to the conviction she has raised her children, graduated from college, established her own business, and participated in community activities.

16. Applicant testified that if her license is approved she would act as an independent insurance producer in order to allow her to maintain a flexible schedule to accommodate the needs of her family.

17. No evidence was presented of any unlawful acts committed by Applicant subsequent to the 1993 conviction.

18. No evidence was presented of any complaints against Applicant during the time she previously held a Nebraska insurance producer license.

19. The granting of a license by the Department is based upon the truth and veracity of the facts disclosed in the application, the testimony given and the evidence introduced into the record at the hearing.

CONCLUSIONS OF LAW

1. The Department has broad jurisdiction, control and discretion over the licensing of insurance producers to sell insurance in the State of Nebraska pursuant to Neb. Rev. Stat. §44-101.01 and §44-4047 et seq.

2. The Department has personal jurisdiction over Applicant.

3. The Director may deny the issuance of an insurance producer license on the basis of an applicant's conviction of a felony pursuant to Neb. Rev. Stat. §44-4059(1).

4. Courts may issue an order setting aside a conviction pursuant to Neb. Rev. Stat. § 29-2264. Such order shall nullify the conviction and remove all civil disabilities and disqualifications imposed as a result of the conviction, except as provided under Neb. Rev. Stat. § 29-2264(5).

5. Applicant's conviction is null for purposes of disqualifying Applicant from obtaining a Nebraska insurance producers license.

6. Pursuant to the Violent Crime Control and Law Enforcement Act of 1994, any individual convicted of any criminal offense involving dishonesty or breach of trust may engage in the business of insurance only if such individual has the written consent of an insurance regulatory official. See 18 U.S.C. § 1033(e).

7. Applicant's conviction is not null for purposes of the Violent Crime Control and Law Enforcement Act of 1994. See Dickerson v. New Banner Institute, 460 U.S. 103, 103 S. Ct. 986 (1983).

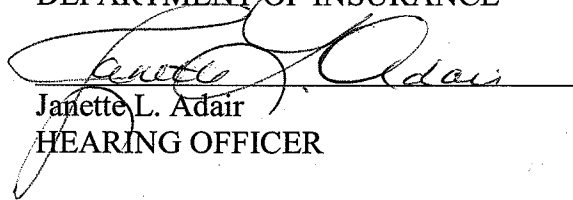
8. Applicant must obtain the written consent of an insurance regulatory official, pursuant to 18 U.S.C. § 1033(e)(2), prior to engaging the business of insurance.

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended to the Director of Insurance that the Director approve Applicant's request for licensing as a resident insurance producer. It is further recommended that the Director grant consent to Applicant to engage in the business of insurance as contemplated by the Violent Crime Control and Law Enforcement Act of 1994, 18 U.S.C. § 1033(e)(2).

Dated this 20th day of March, 2006.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE


Janette L. Adair
HEARING OFFICER

CERTIFICATE OF ADOPTION

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended Order and hereby certify that the Recommended Order, providing for approval of Applicant's request for an insurance producer license and the granting of consent for Applicant to engage in the business of insurance as contemplated by 18 U.S.C. § 1033(e)(2), is adopted as the official and final Order of the Department In The Matter of the Denial of Application For License For Stephanie D. Halldorson, Cause No. A-1656.

Dated this 30th day of March, 2006.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



L. TIM WAGNER
Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order, and Order was served upon the Applicant by mailing a copy to Stephanie D. Halldorson, 2623 South 166th Street, Omaha, NE 68130, by certified mail, return receipt requested, on this 30th day of March, 2006.

